

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION**

LAWRENCE ANDERSON, as trustee
for the LAWRENCE T. ANDERSON
AND SUZANNE M. ANDERSON
JOINT REVOCABLE LIVING TRUST,
ROBERT AND NORA ERHART, and
TJARDA CLAGETT,

Plaintiffs,

v.

BOYNE USA, INC., BOYNE
PROPERTIES, INC., and SUMMIT
HOTEL, LLC,

Defendants.

Cause No. CV 21-95-BU-BMM

**ORDER ON MOTION TO
VACATE HEARING**

INTRODUCTION

Defendants Boyne USA, Inc., Boyne Properties, Inc., and Summit Hotel, LLC (collectively “Boyne”), move the Court to vacate the hearing on class certification. (Doc. 91.) The hearing is scheduled for May 18, 2023, at 11:00 A.M. at the Mike Mansfield Federal Courthouse in Butte, Montana. (Doc. 90.) Plaintiffs Larry Anderson, Bob and Nora Erhart, and Tjarda Claggett (collectively “Plaintiffs”) oppose the motion. (Doc. 91 at 2.)

The Court will conduct the hearing on Boyne’s Motion to Deny Class Certification (Doc. 86) and Plaintiffs’ Motion for Class Certification (Doc. 88) as

scheduled. The parties may file Response briefs on or before May 23, 2023, and Reply briefs on or before May 30, 2023, pursuant to the Court's scheduling order. (Doc. 85.)

ORDER

Accordingly, **IT IS ORDERED:**

1. Defendants' Motion to Vacate Hearing (Doc. 91) is **DENIED**. The Court will proceed with the hearing currently scheduled for May 18, 2023, at 11:00 A.M. at the Mike Mansfield Federal Courthouse in Butte, Montana.

DATED this 16th day of May 2023.

A handwritten signature in blue ink, reading "Brian Morris".

Brian Morris, Chief District Judge
United States District Court